

Notes on the Ethics of Elephant Culling

Saliem Fakir, Talk at the Ethics Society Congress of South Africa, 30th March 2004¹

1. My comments will neither suggest what is right or wrong about culling, but rather speak to approaches we can take in resolving untidy and complex ethical issues that encumber the elephant culling issue. It must be noted that the issue of elephant culling holds parallels for other types of ethical questions that concern wildlife, and how humans should manage them. What is of interest to me is the institutional mechanisms or processes we need to create to manage diversity and conflict of opinion and interest. When I speak of institution, I really mean ways of making dialogue, handling of disputations, and intellectual confrontation that is a natural order of pluralistic and democratic societies. The project therefore before us is really one of creating a tolerant society rather than consensual one, although out of toleration consensus may be one of the benefits as an outcome of ethical reflection. Our focus as result should be both the process of moral reflection, and the manner in which we interrogate the substance of what informs such moral reflection. My other intention is really to offer a language to this ethical debate, which in my humble opinion is lacking at the moment.
2. Secondly, I hold the view that only humans are capable of moral judgement and decisions. The de facto reality is that while humans must show respect, and empathy for the pain and suffering of other beings, it is only within the ambit of human reason that we can find solutions to beings that exist outside of the domain of human society. It is only human reason, and power that can preside over what is to occur to other lives beyond our own. I consider this inescapable reality when considering moral problems that are specific to humans, and those outside of human society. I do not suggest as result that anthropocentrism must be ingratiated with human being's sense of superiority and hence arrogance. Rather, such fortitude of reason and power should be humbling, and we must use the choices and freedom of will we have with the greatest of responsibility. However, humans are final arbiters over the choice of life that we and others not of us live or may have to live. The point of moral reflection is ultimately about necessary choices we have to make in a complex world.
3. Thirdly, I am also of the view that even if there are humans that want to confer intrinsic and existential value to other beings other than their own, this does not suggest that in doing so one is being non-anthropocentric. Or to claim that one is being biocentric or eco-centric that you are not being tautological. These values in reality, because they exist within the sphere of human reason, and systems, are actually just different versions of anthropocentrism. Because they are dependent on human judgement and derived from human reason and reflection, does not

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suggest they are separate or transcendental from human life. They are in fact part of the existential experience of humans. They are mere preferences, forms of human sacrifice, choice, and expressions of bondship with other beings that we are encouraged to adopt. They merely establish a relational context with other beings. But, they are deeply human centric in the way they are constructed and conferred. I think by defining them as non-anthropocentric there is an attempt to make the purported non-anthropocentric value a higher-order value. A way of saying anthropocentrism is archaic and therefore can't enjoy a right or status as acceptable virtue to establish a shared value and community. The only difference, it is presumed and purported by the non-anthropocentric worldview is that the sense of community is extended to that of other beings as well. I am not here to suggest whether anthropocentrism, or biocentrism are superior to each other. Just to make the point that all values are centered around the establishment of virtue through the application of human reason. It is up to society to decide which should gain primacy in any given period in the evolution of human society. I am not certain that arguments about the superiority of anthropocentric vs non-anthropocentric values and virtues will help us resolve an immediate problem.

4. We must accept, like it is the case on issues such as cloning, GMOs and others that in non-totalitarian societies, different voices will emerge and will want to cast their vote on the rights and wrongs of a particular decision. We live in what philosophers call a world of moral pluralism. Moral pluralism also is more pronounced and amplified in a society that has a democratic constitutional framework that guarantees rights before the law. This is not to suggest in the same token, there is not moral pluralism in a society that has no democratic constitutional framework. In fact, all societies have moral pluralism, because people disagree over which values should gain prominence, and dictate the norms of that society. However, in a democratic system, different rights are put before us upfront. They are formalized, and guaranteed. Which simply means one has the right to be heard as a result. In non-constitutional societies it simply means that often these rights are suppressed-it does not mean these rights and their voices have disappeared. They may be marginal and silent, but certainly not dead. In a democratic society the pursuit of various rights that are received by its citizens as entitlements allow the subjects of that of sovereign society to pursue whatever interest they may hold.
5. In recognizing that there are different rights, and as a result different interest can be associated with these rights, does not as a result also imply that every right is absolute and inviolable. Competing rights cannot be said to be inviolable. Inviolability simply revolves around which right should be given priority before the other depending on the circumstance. Or what I call context. Which amongst the various rights should take precedence over the other. Context is defined, and in the case of the situation of culling, by perspective (s) that govern the value orientation, technology, and economics. Perspective can reign if the view is dominant, suggesting that the rightness of it is determined by a simply majority. This of course is fraught with difficulties of its own as there are many cases in

history where majority rulings have led to disastrous outcomes. Majoritarianism does not always imply that the basis of the decision is correct. I think, I use it merely here as a way of suggesting that it defines the political milieu, and can be an influencing factor for a decision and therefore provide clues to political trade-offs that are likely. But, a perspective can easily be that of a minority, and can thus be persuasive if it is morally compelling. Technology and economic circumstances can dictate which options are available to us, and will have to be taken into account in any moral deliberation.

6. It is worth noting though that for many years the issue of culling was presided over by a dominant perspective, and that is of sustainable use. Culling of elephants in general was justified by this paradigm or ideological perspective. With the arrival of animal rights groups, a new perspective has been introduced into the debate. The sustainable use debate, I believe, has been transformed as a result of the growing influence of animal rightist. In general the animal rights perspective straddles between the less extreme that has a welfarist nuance, to the more extreme which holds that animals have rights of their own, and hence an intrinsic and sacred value that is no different to values that humans attach to themselves. This is referred to as a non-speciesist position. However, it is worth making the observation that the extreme view transfers to charismatic animal species every human feeling and attribute whether they exist in reality or not. All these human like metaphors may not be warranted.

In fact, animals can be respected and dealt with humanity, without us having to confer onto them anthropomorphic attributes so as to appeal to our empathy and humaneness. I find such a tendency amongst the animal rights groups rather disturbing. I do not want to debate the merits of this argument. I think this is not really the place for this. But, it is important to interrogate this convergence of traits that is mounted as defence against the speciesist. I am not sure that humans and animals are comparable, even if we find within them features that resemble human qualities. There is simply a philosophical solipsism that we cannot bridge no matter what we attempt with reason and science. Largely, the canvassing of human qualities within the animal kingdom is to reinforce the position of those wanting to develop a rights charter for animals that is equivalent and enjoys the same treatment and status as the human rights charter. I think we may be entering a world of philosophical absurdity. Does it mean that if I do not recognize a chimp as being human, that somehow I can't love and care for my chimp?

7. Sustainable use as a notion perhaps is not strictly applicable to culling, because culling from a pure management view suggests resolving a potential ecological crises as a result of the rise of elephant numbers. If, we are strictly confined to resolving an ecological problem than the issue is one of conservation. However, when ecological concerns converge with socio-economic benefits and commercial interest that's when sustainable use as a principle is more appropriate. It is important to distinguish between the one and the other, because they are often unwittingly or deliberately confused. We have a here situation of two motivations

- collapsed as if they are in one. Which in my opinion is clearly not the case, although the one may well support the pursuit of the other. At present, the rationale for culling-which Kruger Park managers have to make soon-is simply ecological. How is it then all of sudden a sustainable use issue?
8. It would be also opportune to take this occasion in also suggesting some of the problems that the sustainable use principle has caused us over time. When it first originated, it was devised to solve a very practical problem in a pragmatic manner. At the time of its early conception it was evident that a puritanical conservationist stance was not tenable. You couldn't suggest to people who had no alternative that they could not derive benefits from nature if the consequences of them not having access would lead to further hardship, poverty and destitution. In the place of a pure preservationist stance-where nothing was allowed to be touched or taken-arose the sustainable use paradigm. It is worth noting that the principle applied to both plants and animals. And, in the case of animals that certain forms of subsistence hunting was necessary as it was intertwined with the sustainability of livelihoods. However, I am not certain whether the inclusion of hunting, sale of wildlife, and their products for commercial purposes has not muddied or muddled the issue of sustainable use. All of a sudden issues such as hunting and the commercialism have managed to find root and fix themselves in the sustainable use paradigm with human preferences and interest that it was not originally designed to accommodate and cater for. Today, the sustainable use principle is in fact defended by powerful gun and hunting lobbies, and game farmers. The sudden widening of the ambit of the sustainable use principle stands to undermine the pragmatic utility of the principle. I hold that activities such as hunting, and other socio-economic benefits from wildlife cannot be equated or are equivalent to sustainable use for subsistence use and securing of livelihoods. The reasons for hunting, or the commercialization of wildlife and their products are clearly different to subsistence use. I think this confusion needs to be dealt with. I would argue that the concerns around hunting and commercial benefit from wildlife should not be encapsulated within the principle of sustainable use. They should be treated like we treat other industries, and deal with the ethical issues that arise out of them on the grounds of commercial utility in a distinct way. For too long this confusion has been dragged on. It is about time for a radical rupture. I don't think that the principle of sustainable use should be straddled with the ethical burdens that arise out of activities such as hunting, the sale of wildlife or their products. There is a need to clean this mess.
 9. Both, animal rightist and sustainable use interest groups tend to nurture a political discourse, and hence transform themselves from holders of certain principles, and guides to ethical conduct, into organized lobby groups, and if you want ideological perspectives. By ideology I mean the estrangement from first principles as ways of thinking about the world and giving moral input into moral discussion, to organized political processes for the sake of establishing a hegemony. Where hegemony implies seeking to ensure that all human relations, ways of behaving and thoughts are governed by that specific worldview. This is

- perhaps why we need to treat them not as morally superior positions, but rather perspectives and holders of specific interests. Within their discourse and ideological jockeying, are grains of right and wrong. But, on their own they cannot be the basis of deriving what is ethically right or wrong. Because of their organized existence they have a way of making a presence, and therefore hard to ignore by any decision maker. This is neither to suggest that because of the dominance of these two groups, other perspectives do not exist in society and should not be heard or imputed within ethical reflection. The fact of an absent voice should not suggest that ethical reflection or processes of reflection should not take into account or bring these views within the ambit of decision making. And, even that the fact that no such interest group exists, a new perspective can't be generated. In most cases a new perspective and way of dealing with an ethical issue may be necessary.
10. We must note that managed wildlife in conservation areas is less than ideal or can be described as being more humane than situations where animals are left completely free, like it once was where humans were nestled within wilderness as hunter-gatherers. Currently, human interventions in the creation of protected areas has entailed that wildlife in general are not in pristine wilderness, but in confined space. We must conclude I suppose that their relative state of well-being and happiness in confined space is lesser than when they were in absolute wilderness where human interference was minimal. So, it is worth harping on the point that we cannot restore the original balance or existential experience that wildlife may have enjoyed in prehistoric periods. Whatever our present choices, what humans will have to offer as solutions can't be anything, but the lesser taste of the former life. The present existential experience of wildlife is wholly, human-dependent. They are by dint of this in a position of lesser beings when once they simply roamed freely, died naturally, and at the death of their predators. We simply can't restore this primitive form of existence. Therefore, any claim that we can restore the original form of existence and state of happiness must be construed as complete nonsense. We must make do with imperfect situations and solutions, and we can endlessly dispute the reasons for this, because they will also be academic, and of no practical value.
11. How then is one to deal with the issue of culling in the present and immediate? I have suggested context matters. Animal rightists hold onto intrinsic principles, and sustainable use groups suggest that we must look at consequences as defining the reasons for culling. Both I suggest are unsatisfactory. The first, is too principled, unwieldy and difficult to bend, because there is a certain undercurrent that if we bend and compromise here, the entire edifice of the animal rights course stands in danger of collapsing on itself. So, it is my view that it is strong adherence to principle that makes compromise impossible. There will always be the urge to be uncompromising. As regards the sustainable use perspective, there is a tendency to converge the ecological with the socio-economic, i.e. the consequentialist arguments are consistently punctuated in various variations with ecological and socio-economic interest. Again, the reasons are quite obvious, if you de-link the

ecological from the socio-economic, you threaten an operative principle-the sustainable use paradigm. I am suggesting that in the case we have now, about the Kruger needing to deal with the over-abundance of elephants that the socio-economic is not paramount, but the ecological is. I want to even go further that the socio-economic concerns are political, and could suggest that they could undermine the ecological reasons for they draw suspicion as to why this subject of elephant culling is mooted in the year when a CITES meeting is taking place? Could others not suggest that elephant culling has to do with the need to generate revenue from ivory, and could it not be possible as a result that numbers are inflated so that culling can be justified on ecological grounds when the real interest is trade in ivory and other parts of elephants that are 'harvested'? As we all know most conservation agencies are struggling to finance their operations and so there must as a result be a little bit of a conflict of interest between the ecological rationales vs the drive to increase revenue? This has in my opinion resulted in a situation of conflicting agendas. With the true intent for the action existing within the front or shadowing that which appears to be on the surface as ecological reasons and the mainstay of the purported rationale for the need for culling. I am not suggesting that conservation agencies don't have a right to trade in ivory or wildlife. All I am suggesting is that the case for both stands to be endangered by deliberately confusing the two. I am holding on the position that they are not the same, and should be treated on their own merits.

12. All decision makers are always faced with the question of how do I know that I am making the right decision? What sources of information should I rely on to help me make the right choice, and determine the right priorities? When a reality stares one starkly in the face then the immediate options of what one can do can be limited by circumstance and context. So on the question of elephants the correctness of whether to cull or not to cull will be dependent on a number of considerations:

- The independently verification of the scientific/ecological case.
- The exploration of alternative solutions and the exhaustion of these options.
- The consequences of not acting, i.e. the ability to stretch this, and its likely impact.
- The different values and perspectives that are likely to influence or encumber a political decision and have substantial interest at stake.
- The identification of trade-offs that need to be made and their consequences: both long-term and short-term.

As you will note I am not taking recourse to the intrinsic value of the existence of elephants nor that of sustainable use as a guiding premise. Both seem to prescribe perpetual outcomes, i.e. the adherence to their core principles in the absence of context. And, as a result they become unimpeachable by context because they have the inherent feature of being perpetual principles irrespective of context. Both, seem to be about the protection of turf, and hence easily lend themselves to value conflicts. Both, in this kind of political milieu-one of competition between different groupings

(or ideologies)- will not give a desired outcome without a victory won for either point of view. What is one to do in this situation? If it is found that the elephant numbers are correct, the ecology and other wildlife impact in an irreparable manner, and that alternatives such as translocation and contraceptives to be long-term rather than immediate solutions, then it is evident that a solution must be found that is based on its sensibleness. The only thing that can dictate a solution, that is temporal and immediate is the principle of necessity. The principle of necessity abrogates the prevailing rule. The rule is also further premised on the idea of easing hardship and burden in the immediate with the hope of finding a long-term solution. It is also evident that the rule of necessity is not a perpetual one. It cannot be so because it is derived from the immediacy of the context. Under a further rule, that complements and deepens the rule of necessity, is the choice of a lesser evil, i.e. therefore doing the ignoble for now, is the lesser of two sins. And, if we are to carry with the rule for longer than its intended life-span it is likely to lead to more harm than good. Its application therefore has to be circumscribed for a specific context and period.

13. It would seem to me that the rule of necessity is the only rule that can be applied in a non-ideological or conflict prone manner. It does not resolve however, the long-term question of how we should deal with wild animals in the future. This strikes me that even if we find a solution for an immediate problem, long-term solutions still have to be found. I suppose as a result the battle over fundamental values intrinsic vs consequentialist premises for moral actions will have to be fought over. I don't know if this is necessary either. It is evident that culling, in its very essence is not the most desirable solution for the problems that elephants are likely to generate in the future. The only two options worth considering and seriously investing in whether we agree with an intrinsic or consequentialist value orientation to guide our moral decisions is the options of translocation (and hence the expansion of the conservation estate) and contraceptives (although the verdict on this is not as of yet final). However, it is worth stating that any moral rule, and choice we make, must by its nature not be seen as permanently fixed that it is not immovable. A change in circumstance may necessitate a change in rule and choice.

14. If culling is the option, it would seem to me as well, that the methods of culling will be guided in itself, my another moral decision, i.e. to cull in the most non-violent manner as possible, or what some would call a more humane form of culling. Here, the prevalence of technological options should be no excuse for not applying the least violent form of application when culling. It is evident that the primary rule in itself, must be supported by subsidiary rules that complement rather than contradict its intent and rationale. On the basis of this logic, it is evident that culling has to be pursued-if that is the final option we are left with-with the most humane methods at our disposal. This too will reinforce an important value: that culling is a result of a no-choice scenario, and not culling for the sake of it, or the derivation of other pleasures and benefits.

15. Running concurrently with the elephant culling debate is the issue of whose views should count? There has been the accusation that those opposed to culling

somehow hold Eurocentric views-meaning that the animal rights groups have been infiltrated with European interests and concerns. Which suggests that culling as a decision is not Eurocentric, but African. And, since this is the African way of doing things we should be left to do what is in our best interest. The logic seems to be that declaring the Africanness of our decision, we assert African sovereignty and will over important ethical issues and choices that occur within our neighbourhood. Implying you Europeans don't interfere with what Africans happen to know what is best for themselves. Europeans are always as a result accused of not being value-neutral, and exercising a form of cultural imperialism through Eurocentric ideas. There is a lot wrong with this Eurocentric vs. Afrocentric contestation. I think this conflict is really fiction. It is a useful diversion. It is not really the issue at hand, and neither is it helpful in resolving the problem of whether to cull or not? In fact, it is a complete side-show. There are several reasons for this:

- a. The elephant problem is fact a result of a very 'Eurocentric' construct and that is of keeping wildlife within a protected space. It arose specifically out of another 'Eurocentric' problem-the widespread decimation of wildlife by European hunters. The notion of protected areas is a foreign import into Africa.
- b. Secondly, we have to ask what is Eurocentric and what is truly Afrocentric. It would be completely illogical to suggest that Europe is dominated and concentrated with animal rights views: this would give far too much credence to the animal rights movement. It would also be spurious to suggest that to cull is located in some kind of African value, tradition or norm. It clearly is not. Culling as a practice is a management tool developed by conservationist, who quite interestingly, happen to be pale males of European origin speaking on behalf of Africans. This contradiction is hardly spoken of in the debates.
- c. One has to be even more cynical when it is suggested that the need to cull is because poor Africans living adjacent to parks are constantly harassed by elephants that come to eat their crops. Well, what has elephants trampling on crops got to do with the decision to cull? Or give reason to suggest that as a result the Africanness of culling has got to do with rural communities living close to protected areas. Somehow, the bringing into the picture of poor black rural communities by white conservation managers, or even black managers does not give it an Africanness. I fail to see the logic of all these arguments. They are as I am convinced just side-shows, convenient digressions, but add no value to the ethical debates that are at hand or the finding of acceptable solutions. In most instances the heckle about Eurocentrism is really a fear about alternative voices and solutions.

16. However, we are still left with the pressing question: How do we deal with the views, perceptions and interest of ‘absentee citizens’? Those regarded as non-Africans who do not live on our shores. Who come occasionally to visit our game reserves, and pay-viewing fees to get a sight of a few of the large and small animals that roam this wilderness? Should their voice be heard? Do their opinions count? These very people whose tax money is appropriated by their governments so that these funds can be used widely in Africa to keep protected areas going, or to fund research in wildlife management in countries that are less fortunate and whose state coffers are empty. These penniless African states that are made to carry the burden of managing what I regard as global common goods and a shared resource. It is evident that simply on these terms-because of their willingness to pay to keep conservation areas going that their views will have to be given regard, whether it is out of courtesy or the threat of the removal of funds. Their voice will resonate within our own political space directly or via proxy. It would seem that Africa’s wildlife cannot do without global support. In fact, it is benefiting already a great deal from global support. As far as North America and European support goes for the intermediate period we simply do not have many alternatives if we are so adamant about our sovereignty.

In so doing, I am not suggesting that because we have the support of others that their views should have greater weight than our own. I am simply saying it is that we cannot rationalize the need to disregard their voice. For them to disappear as it were. Most debates about ethical choices in the world today are transnational in nature. In fact, many human rights courses around the world have high regard because other humans have cared to show concern and empathy. Here, is a good example of the universalisation of a moral set of tools and principles which all humans across the planet charge the actions of others against. The question is not whether we ignore these external voices at our own peril, but more about how we allow them to commingle in the stew of opinion that is a natural product of contentious issues. In general, the rejection of these voices, is really a view of opposing voices having currency. If, you don’t want these views to have currency, because one fears they are likely to affect the outcome you try to shut them up or ignore them. This I don’t believe is a characteristic we should encourage if we are to build a morally plural and tolerant society.

17. However, in as much as we would like to create a global community where conservation management is a shared responsibility, there is though a principle that may override other voices, the voices of the ‘absentee citizens’, this is simply the conditions of inordinate burden and risk. Surely, those who are living with the problem on a daily basis should have more say than others who do not have to suffer the consequences of problems that hinder, diminish or threaten to harm the well-being of nature and human society? This rule of first priority has to take precedence if the immediate harm to those living adjacent to the problem is higher where the pain or consequences are least likely to be felt to those at a distance. However, the rule of first priority, does not suggest that the opinions of others-these distant others-should not or cannot be considered. They may well contain a

- solution that we had not thought about before. Under well reasoned and justifiable circumstances, those who bare the most risk and burden must be given first preference in what is best. But, in looking for alternative and creative solutions, we need to be bold enough to find them anywhere in the world.
18. Finally, two points are worth reflecting on. The first, is the way in which animal rights activist position themselves vis a vis conservationist. Often in the culling debate conservation managers can be made out to be cold-blooded and murderous. I do not think they are. In fact, if one were to speak to many of them, they find culling difficult and often traumatic. Conservationists are in the business of conservation because they love wildlife. It would be cynical to suggest that therefore their decision to cull has to do with some ingrained murderous trait within them. A dark malevolence. It is evident that culling is done not intentionally, but rather as a result of having to be faced with difficult choices. So, I do think that the binary construct of good vs. evil, that arises as a result of a conflict between animal rights activist and conservationist is an unfortunate one and often an emotional one. The tactics of animal rights groups is aimed at shaming conservationist. It is clear that such tactics merely polarize the debate, rather than advance it.
 19. Secondly, there are good reasons for toleration, as much as it is about a building a listening society, it is also about building a learning society. Often, when we hear others, we can find solutions we have not thought of before. Intolerance, strikes me as rather a way to dispose of the views of others, by relying on power and numbers as a basis to legitimate a view and establish a hegemony. The Italian intellectual Primo Levi, beautifully, suggested is that intolerance is really about the consolidation of the 'we' against, the will and influence of the 'they'. In all of this a vast array of interest- from monetary, personal prestige, to power- lay nested. If all of this stands to be lost, it is understandable why intolerance can often live even under the cover of democracy. But, you would agree with me then, perspectives that are intolerant of each other, are hardly a platform to support the resolution of difficult ethical issues. We will be forced to find other ways of resolving big ethical questions. Questions that affect all of us irrespective of our religions, values or ideologies. As much as we are about finding ethical solution, there is a greater task ahead of us, and that is how do we as a result of our ethical problems simultaneously build an ethical society and methods of dialogue.